FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A. NO.186 OF 2006
IN
WRIT PETITION NO.5901 OF 1997

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.P.D.Dalvi for applicants.
Mr.Sanjay Sawant for res.No.1.
Mr.C.R.Sonawane, AGP for res.Nos.2 to 7.

CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.
DATED : 22nd March 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Civil Application makes a grievance that the order that this Bench passed on 25th July 2005 on the main Petition was passed without any notice to the applicants. It is the case of the applicants that they are the persons to whom the acquired land was distributed and they are in possession. This is a fact which was known to respondent

No.1-original petitioner. After respondent No.1 obtained a stay in the main matter, the applicants herein had moved for vacating that stay and the stay was vacated after notice to respondent No.1 herein. That order was passed by a Division Bench on 5th January 1998 on Civil Application No.8285 of 1997. Surely, in this view of the matter, it was necessary that the original petitioner ought to have joined the applicants as the respondents in the main petition. In fact the applicants had moved for joining them in the main petition but their Civil Application got dismissed because the main petition itself was dismissed for default. In this background, when the petitioner moved for restoration of the petition either at that time and in any case when they moved for disposal of that petition, the applicants herein were a necessary

party. For this limited reason, we recall the order of which review is sought. The order of disposing of the petition in terms of the order dated 25th July 2005 is, therefore, recalled. Writ Petition No.5901 of 1997 will stand restored to the file of the Court.

3. The applicants are in possession of the concerned parcel of land. They will continue to remain in possession till the hearing and disposal of the main petition.

4. Mr.Sawant appearing for the main petitioner states that he will join the applicants in the present Civil Application as additional respondents in the main matter. The main restored petition will be heard after notice to the applicants herein.

5. Civil Application stands disposed of with the above order.

(H.L.GOKHALE, J.)

(SMT.R.S..DALVI, J.)